

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

OCT 26 2015

JULIA C. DUDLEY, CLERK
BY: *J. C. Dudley*
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

JOSHUA ROBERT BERRY
EMMANUEL WILLIAM FOSTER
SARAH LYNN BERRY

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:
: Case No. 1:15CR34
:
: Violations: 18 U.S.C. §§ 924, 1951
:
:

INDICTMENT

COUNT ONE

The Grand Jury charges that:

1. On or about April 13, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY, as a principal and as an aider and abettor, obstructed, delayed, and affected commerce by robbery, and threatened physical violence to any person in furtherance of a plan and purpose to obstruct, delay, and affect commerce.

2. On or about April 13, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY as a principal and as an aider and abettor, robbed the Kangaroo Convenience Store in Bastian, Virginia, and took \$75.00 and two cartons of Newport Cigarettes.

3. All in violation of Title 18, United States Code, Sections 2 and 1951.

COUNT TWO

The Grand Jury charges that:

1. On or about April 13, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY as a principal and as an aider and abettor, knowingly used and carried during and in relation to, and possessed in furtherance of, a crime of violence for which

they may be prosecuted in a court of the United States (namely, interference with commerce by threats and violence, as charged in Count One), a firearm.

2. The firearm was brandished.

3. All in violation of Title 18, United States Code, Sections 2 and 924(c).

COUNT THREE

The Grand Jury charges that:

1. On or about April 29, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY, EMMAUNEL WILLIAM FOSTER, and SARAH LYNN BERRY, as principals and aiders and abettors, obstructed, delayed, and affected commerce by robbery, and threatened physical violence to any person in furtherance of a plan and purpose to obstruct, delay, and affect commerce.

2. On or about April 29, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY, EMMAUNEL WILLIAM FOSTER, and SARAH LYNN BERRY, as principals and aiders and abettors, robbed the Marquee Cinema in Wytheville, Virginia, and took \$4,310.70.

3. All in violation of Title 18, United States Code, Sections 2 and 1951.

COUNT FOUR

1. On or about April 29, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY and EMMAUNEL WILLIAM FOSTER, as principals and aiders and abettors, knowingly used and carried during and in relation to, and possessed in furtherance of, a crime of violence for which they may be prosecuted in a court of the United States (namely, interference with commerce by threats and violence, as charged in Count Three), a firearm.

2. The firearm was brandished.

3. All in violation of Title 18, United States Code, Sections 2 and 924(c).

COUNT FIVE

The Grand Jury charges that:

1. On or about May 21, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY, EMMAUNEL WILLIAM FOSTER, and SARAH LYNN BERRY, as principals and aiders and abettors, obstructed, delayed, and affected commerce by robbery, and threatened physical violence to any person in furtherance of a plan and purpose to obstruct, delay, and affect commerce.

2. On or about May 21, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY, EMMAUNEL WILLIAM FOSTER, and SARAH LYNN BERRY, as principals and aiders and abettors, robbed the Abingdon Cinemall in Abingdon, Virginia, and took \$200.00.

3. All in violation of Title 18, United States Code, Sections 2 and 1951.

COUNT SIX

1. On or about May 21, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY and EMMAUNEL WILLIAM FOSTER, as principals and aiders and abettors, knowingly used and carried during and in relation to, and possessed in furtherance of, a crime of violence for which they may be prosecuted in a court of the United States (namely, interference with commerce by threats and violence, as charged in Count Five), a firearm.

2. The firearm was brandished.

3. All in violation of Title 18, United States Code, Sections 2 and 924(c).

COUNT SEVEN

The Grand Jury charges that:

1. On or about May 22, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY, as a principal and as an aider and abettor, obstructed, delayed, and affected commerce by robbery and threatened physical violence to any person in furtherance of a plan and purpose to obstruct, delay, and affect commerce.

2. On or about May 22, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY, as a principal and aider and abettor, robbed the Kangaroo Express in Wytheville, Virginia, and took \$70.00, four cartons of Newport cigarettes, three Five Hour energy drinks, and one Bic lighter.

3. All in violation of Title 18, United States Code, Sections 2 and 1951.

COUNT EIGHT

1. On or about May 22, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY, as a principal and as an aider and abettor, knowingly used and carried during and in relation to, and possessed in furtherance of, a crime of violence for which they may be prosecuted in a court of the United States (namely, interference with commerce by threats and violence, as charged in Count Seven), a firearm.

2. The firearm was brandished.

3. All in violation of Title 18, United States Code, Sections 2 and 924(c).

COUNT NINE

The Grand Jury charges that:

1. On or about and between April 1, 2012 and May 25, 2012, in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY, EMMAUNEL WILLIAM FOSTER, and SARAH LYNN BERRY conspired to obstruct, delay, and affect commerce by robbery and

threatened physical violence to any person in furtherance of a plan and purpose to obstruct, delay, and affect commerce.

2. All in violation of Title 18, United States Code, Section 1951.

COUNT TEN

1. On or about and between April 1, 2012, and May 25, 2012 in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY, SARAH LYNN BERRY, and EMMAUNEL WILLIAM FOSTER, as principals and aiders and abettors, knowingly used and carried during and in relation to, and possessed in furtherance of, a crime of violence for which they may be prosecuted in a court of the United States (namely, conspiracy to interfere with commerce by threats and violence, as charged in Count Nine), a firearm.

2. The firearm was discharged.

3. All in violation of Title 18, United States Code, Sections 2 and 924(c).

COUNT ELEVEN

1. On or about and between April 1, 2012, and May 25, 2012 in the Western District of Virginia and elsewhere, JOSHUA ROBERT BERRY, SARAH LYNN BERRY, and EMMAUNEL WILLIAM FOSTER, as principals and aiders and abettors, in the commission of a violation of 18 U.S.C. § 924(c), as charged in Count Ten of the Indictment, caused the death of a person through the use of a firearm and that killing being considered murder, as defined in 18 U.S.C. § 1111.

2. All in violation of Title 18, United States Code, Sections 2 and 924(j).

A TRUE BILL, this 26th day of October, 2015.

/s/Grand Jury Foreperson



ANTHONY P. GIORNO
United States Attorney

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